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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,523	03/01/2005	Chung-Kuan Cheng	0321.67590	5310
24978	7590	10/16/2007	EXAMINER	
GREER, BURNS & CRAIN			NGUYEN, THINH T	
300 S WACKER DR			ART UNIT	PAPER NUMBER
25TH FLOOR			2818	
CHICAGO, IL 60606				
MAIL DATE		DELIVERY MODE		
10/16/2007		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/526,523	CHENG ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Thinh T. Nguyen	2818	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 23 July 2007.  
 2a) This action is **FINAL**.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-8, 19 and 24-30 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-8, 19 and 24-30 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 23 July 2007 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

1. This is in response to Applicant's Amendment filed July 23<sup>rd</sup> 2007.

Note that the figures and reference numbers referred to in this Office Action are used merely to indicate an example of a specific teaching and are not to be taken as limiting.

2. Claims 1-8,19,24-30 including new claims 24-30 are pending in the Application, Applicant has cancelled claims 9-18 and 20-23.

3. **Applicant's amendments to independent claims 1 and 26 have necessitated new grounds of rejection for claims 1-8,19,24-30 See MPEP § 706.07(a).**

**Claim Rejections - 35 USC § 112**

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is indefinite for the recitation :

-- " a plurality of Y's, each of the Y's respectively connecting the cells in clusters of three cells each, wherein the Cells within the clusters are interconnected. "--

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it is not clear from this recitation of how the Y are connecting the three cell , since the cell are hexagonal with an infinite of points including points at the outer peripheral and applicant fail to recite clearly how the cells are interconnected. It is not possible to know the metes and bound that the Applicant seeks patent protection. It is also unclear what is "Y" stand for.

6. Claim 2–8,19,24-25,30 rejected under 35 U.S.C. 112, second paragraph, as being indefinite because they are dependent claims of indefinite claim 1.

7. Claim 26 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 26 is indefinite for the recitation :

-- “ a plurality of interconnects including Y's connecting the cells in clusters of three adjacent cells each, wherein the cells in the clusters are interconnected. “--

it is not clear from this recitation of how the Y are connecting the three cell , since the cell are hexagonal with an infinite of points including points at the outer peripheral and applicant fail to recite clearly how the cells are interconnected. It is not possible to know the metes and bound that the Applicant seeks patent protection. It is also unclear what is "Y" stand for.

8. Claim 27-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite

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because they are dependent claims of indefinite claim 26.

## CONCLUSION

9. **THIS ACTION IS MADE FINAL.** Applicant's amendments to independent claims 1 and 26 have necessitated new grounds of rejection for claims 1-8,19,24-30 and therefore this action is made final. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thinh T Nguyen whose telephone number is 571-272-1790. The examiner can normally be reached on 9:30 am - 6:30 pm Monday to Friday..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, STEVEN LOKE can be reached on 571-272-1657. The fax phone numbers for the organization where this application or proceeding is assigned is 571-273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval [ PAIR ] system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/TTN/

Thinh T Nguyen

Patent Examiner

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STEVEN LOKE  
SUPERVISORY PATENT EXAMINER

